IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7469 of 2007()

CRIME 237/07 OF MANNAR POLICE STATION

: PETITIONERS/ACCUSED 2 TO 4

---

1. SANALKUMAR.R., AGED 27 YEARS,
S/O.RAGHAVAN, PERUVALKARA, ERAMATHOOR MURI,
MANNAR, ALAPPUZHA DIST.

2. LIGESH, AGED 28 YEARS,
S/O.BALAKRISHNAN, VETTUTHURATHIL CHIRAYIL
PUTHEN VEEDU, ERAMATHOOR, MANNAR,
ALAPPUZHA DIST.

3. GIREESH GOPI, AGED 20 YEARS,
S/O.GOPI, VETTUTHURATHIL VEEDU,
ERAMATHOOR, MANNAR, ALAPPUZHA DIST.

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7469 OF 2007 C

Dated this the 5th day of December, 2007

O R D E R

Application for anticipatory bail. The petition is wrongly described as a petition for regular bail, submits the learned counsel for the petitioners. The petitioners are accused Nos.2 to 4. Altogether there are 4 accused persons. They face allegations in a crime registered, inter alia, under Section 308 read with 34 IPC. All the accused persons are named in the FIR. The alleged incident took place on 19.8.07 at 9.30 p.m. The prosecution alleges that on account of prior animosity, the accused persons reached the scene where the de facto complainant was attending to some decoration work in connection with the Chathayam festival. All the 4 accused persons indulged in culpable overt acts. Later, the 3rd accused caught hold of the de facto complainant and the 4th accused planted stab injury with a knife on his chest. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays that the petitioners may be granted anticipatory bail. This prayer is stoutly opposed by the learned Public Prosecutor. I find merit in the

opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioners must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

3. I shall scrupulously avoid any detailed discussion on merits about the acceptability of the allegations raised or the credibility of the data collected. Suffice it to say that the FIR, in which 4 accused persons are named, and the wound certificate have been read over to me in detail.

4. In the result, this petition is dismissed. Needless to say, if the petitioners surrender before the investigating officer or the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

aks